

REMARKS

Claim 1 has been amended to correct the spelling of “poxviridae” and to limit the X moiety in the ring to O and so the drawing has been amended accordingly. Claim 1 has also been amended to add that R₃ and R₄ can be siloxane rings. Support for this amendment is found, *inter alia*, on page 3, lines 5-8, of the specification as filed. Claims 11 and 12 have been canceled in view of the amendment to claim 1.

The Examiner has rejected claims 1-4, 8-10, and 11-12 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Independent claim 1 has been amended to require that the X moiety in the ring be O. These amendments are intended to respond to the Examiner’s 112 rejection relating to the compounds being claimed.

The Examiner states in the last full paragraph on page 2 of the Office Action that the specification is “enabling for certain furanose compounds to treat herpesviridae” and in the last full paragraph of page 5 of the Office Action, the Examiner states that “applicant should limit claims to what has support in the specification – furanose compounds to treat herpesviridae viruses.” The Examiner thus is understood to be rejecting claim 1 as not being enabled because it also recites the same furanose compounds to treat poxviridae viruses. Support for treatment of poxviridae viruses is in the specification as filed, *inter alia*, in Table 2 where Compound A9 shows efficacy in treating Vaccinia virus. Since Vaccinia viruses are members of poxviridae, poxviridae is supported by the specification. Reconsideration and withdrawal of the Section 112 rejection is respectfully requested.

Claims 1-4 and 8-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 11 and 12 have been canceled. Remaining independent claim 1 has been amended to require that the X moiety in the ring be O. These amendments are believed to respond to the Examiner’s 112 first paragraph rejection. Reconsideration and withdrawal of the Section 112 rejection is respectfully requested.

Claims 3, 4, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 12 has been canceled. This ground of rejection is traversed. There is no indefiniteness in claims 3 and 4. The list of groups in claim 1 that can form R₁ – R₄ is broad enough to encompass groups that are parts of rings so that when R₁ and R₂ are appropriately chosen R₁ and R₂ form a ring and similarly when R₃ and R₄ are appropriately chosen R₃ and R₄ form a ring. Specifically, the reference in claim 1 that R₁ may be –O-alkyl encompasses –

OC(CH₃)₂- and that R₂ may also be -O-alkyl encompasses -O- so that the desired ring - OC(CH₃)₂O- is formed. The same argument applies as to R₃ and R₄ in support of claim 4. Reconsideration and withdrawal of the Section 112 rejection is respectfully requested. Please note that Applicant would be happy to amend the drawing structure in claim 1 to more directly include the option of R₁ and R₂ forming a ring and R₃ and R₄ forming a ring if the Examiner could suggest such a structure.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

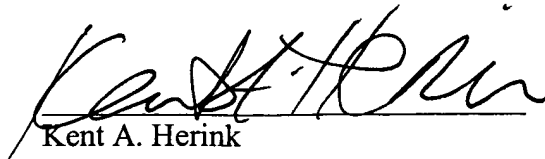
Based on the foregoing, Applicant respectfully submits that its claims 1-4 and 8-10 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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